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**SUBSTITUTE HOUSE BILL 2567**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representative Haler)

READ FIRST TIME 02/04/08.

1       AN ACT Relating to open meetings; amending RCW 42.30.120; and  
2       prescribing penalties.

3       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read  
5       as follows:

6       (1) Each member of the governing body who attends a meeting of such  
7       governing body where action is taken in violation of any provision of  
8       this chapter applicable to him or her, with knowledge of the fact that  
9       the meeting is in violation thereof, shall be subject to personal  
10      liability in the form of a civil penalty in (~~the amount of one~~  
11      ~~hundred~~) an amount ranging from two hundred fifty to one thousand  
12      dollars. The civil penalty shall be assessed by a judge of the  
13      superior court and an action to enforce this penalty may be brought by  
14      any person. A violation of this chapter does not constitute a crime  
15      and assessment of the civil penalty by a judge shall not give rise to  
16      any disability or legal disadvantage based on conviction of a criminal  
17      offense.

18      (2) Any person who prevails against a public agency in any action  
19      in the courts for a violation of this chapter shall be awarded all

1 costs, including reasonable attorneys' fees, incurred in connection  
2 with such legal action. Pursuant to RCW 4.84.185, any public agency  
3 (~~who~~) that prevails in any action in the courts for a violation of  
4 this chapter may be awarded reasonable expenses and attorneys' fees  
5 upon final judgment and written findings by the trial judge that the  
6 action was frivolous and advanced without reasonable cause.

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